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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,518	04/12/2004	Syed Rafat Iqbal	1139-022	3343
25215	7590	10/12/2006	EXAMINER	
DOBRUSIN & THENNISCH PC 29 W LAWRENCE ST SUITE 210 PONTIAC, MI 48326			GARRETT, ERIKA P	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/822,518	Applicant(s) IQBAL ET AL.	
	Examiner Erika Garrett	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-39, 42-46, 52-56 and 59-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 61-71 is/are allowed.
- 6) ☒ Claim(s) 32-39, 42-46, 52-56 and 59-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 32-35, 37-39, 42-44, 46, 52-56 and 60 are rejected under 35

U.S.C. 102(e) as being anticipated by White (7,040,710). White discloses the use of an insert comprising: a flow control layer (12); a spacer (24); a fluid barrier (20); and a thermoelectric device (14) associated with a blower (50); at least one conduit (16) with at least one flow hole, wherein the conduit extends across at least a portion of seat portion (10) of the insert; and wherein ambient air drawn through the flow control layer and temperature conditioned air drawn through the conduit are mixed within the insert. In regards to claim 33, at least one conduit is located within a sealed edge of the insert. In regards to claim 34, at least one conduit is attached to the insert along at least a portion of the length of the conduit. In regards to claim 35, at least one conduit is located underneath the flow control layer relative to the occupant. In regards to claim 37, wherein the thermoelectric device is fluidly connected to the spacer via the at least one flow hole of the conduit and the at least one ventilation hole of the flow control layer. In regards to claim 38, the blower (50) is in fluid communication with the spacer

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through a port located in the fluid barrier. In regards to claim 39, the insert is an edge sealed insert comprising an extension portion (16') wherein the blower is in fluid communication with the spacer through a port in the extension portion of the flow control layer or the fluid barrier, see figure 3. In regards to claim 42, further comprising at least one of an additional spacer, a seat cover (12), at least one attachment component, an adhesive layer, at least one sensor, at least one control unit or combinations thereof. In regards to claim 43, the insert is attached to a seat cushion (34). In regards to claim 44, wherein the insert is attached to the seat cover. In regards to claim 46, the blower and the TED (14) are connected to the insert at extension of the insert. In regards to claim 52, the conduit is located along an edge of the seat portion of the insert. In regards to claim 53, the conduit is located along an edge of an extension of the insert. In regards to claim 54, the conduit extends into the seat portion of the insert. In regards to claim 55, the conduit is held within the insert or formed as part of the insert. In regards to claim 56, the conduit is located in the plane (flat surface) of the insert. In regards to claim 60, further comprising a flow control layer (12), the fluid barrier (20) and the spacer (24) is located between the flow control layer and the fluid barrier; and wherein the blower (50) is in fluid communication with the spacer; the TED is a source of temperature conditioned air; and at least one conduit with the at least one flow hole fluidly connects the TED to the spacer; the blower draws ambient air through the flow control layer and draws temperature conditioned air through the conduit and into the spacer.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 45 and 59 rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Faust (6,189,966). White shows the use of all the teachings of the claimed invention but fails to show the use of two blowers and a spacer comprises a polymeric strand material. Faust teaches the use of two blowers (20) and a spacer comprises a polymeric (synthetic) strand material. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the insert of White with two blowers and a spacer comprising a polymeric strand material as taught by Faust, in order to get proper ventilation in the seat.

Allowable Subject Matter

5. Claims 61-71 are allowed.

Response to Arguments

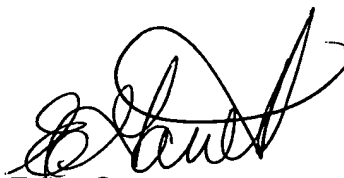
6. Applicant's arguments with respect to claims 32-39,42-46,52-56 and 59-71 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 571-272-6859. The examiner can normally be reached on Monday-Thursday 8:00a.m. -6:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Erika Garrett
Patent Examiner
Art Unit 3636
October 2, 2006